

ORDINANCE NO.: 24-1235

AN ORDINANCE AMENDING PART THREE - TRAFFIC CODE, TITLE FIVE - VEHICLES, CHAPTER 337. SAFETY AND EQUIPMENT OF THE VILLAGE OF RUSSELLS POINT CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

PART THREE - TRAFFIC CODE, TITLE FIVE - **Vehicles**, Chapter 337. Safety and Equipment.

337.31 Noise and Engine Breaking.

WHEREAS, the Village reviews and updates its codified ordinances regularly; and

WHEREAS, PART THREE - TRAFFIC CODE, TITLE FIVE - Vehicles, Chapter 337, regulates safety and equipment section; and

WHEREAS, Council desires to add a new section, 337.31, to regulate noise and engine breaking.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO THAT:

SECTION 1: Chapter 337, Safety and Equipment, is amended to add new Section 337.31, Noise and Engine Breaking, of the Village of Russells Point Codified Ordinances as attached as Exhibit A to regulate commercial and non-commercial vehicle noise, including the practice commonly referred to as "jake braking."

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Russells Point, specifically the immediate abatement of noise, stemming from the operation of commercial and non-commercial vehicles within the village limits. This Ordinance shall go into immediate effect provided that it receives two thirds vote of all members of Village Council.

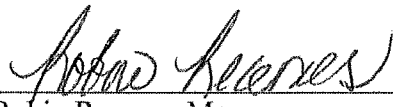
Passed in Council this 6 day of May 2024.

EXHIBIT A

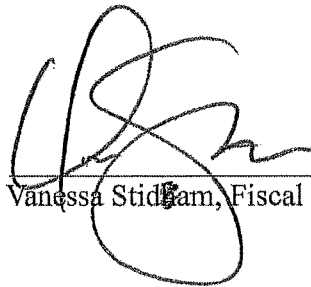
PART THREE - TRAFFIC CODE, TITLE FIVE - **Vehicles**, Chapter 337. Safety and Equipment.

337.31 Noise and Engine Braking.

- (a) No person shall operate a commercial motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, including any muffler component.
- (b) No person shall use an engine decompression braking system, or the other use of an engine transmission, or associated component parts or mechanical device to slow, stop, break, or otherwise engage in the practice commonly known as "jake breaking" when it results in a loud, cracking, chattering, or explosive noise. Any such noise observed as audible at a distance of 150 feet from the motor vehicle shall constitute evidence of a prima facie violation of this section regardless of the use of decibel-measuring equipment.
- (c) Operators of emergency or public safety vehicles semi, or other vehicles owned or operated by the Village of Russells Point, a public utility, or another political subdivision (including school buses) are exempt from this section.
- (d) As an affirmative defense, an operator may establish that engine braking was safe and necessary due to a hazardous unforeseen road condition (as opposed to static conditions such as the posted speed limit or geographic features such as the grade or slope of the roadway).
- (e) Village of Russells point personnel are authorized to place signs at the corporation limits consistent with those recommended by the Ohio Department of transportation traffic engineering manual in all locations necessary to provide proper notice that violators may be cited for excessive noise.
- (f) Whoever violates this section is guilty of a misdemeanor.




Robin Reames, Mayor

ATTEST: 

Vanessa Stidham, Fiscal Officer

APPROVED:

Approved as to form this 6 day of May 2024.


Lynnette Dinkler
Village Solicitor